



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,591	04/08/2004	Nicholas Leavy	1004-128	8114
47654 7590 12/27/2007 BAINWOOD HUANG & ASSOCIATES LLC 2 CONNECTOR ROAD WESTBOROUGH, MA 01581				
EXAMINER				
CHOUDHURY, AZIZUL Q				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
12/27/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,591

Applicant(s)

LEAVY ET AL.

Examiner

AZIZUL CHOUDHURY

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date 8/16/04
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Detailed Action

Claim Objections

Claims 2, 7, 12, 17, 22 and 27 are objected to because of the following informalities: the phrase "and epoch" is believed to be a mistake and should read, "an epoch." Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-30 fail to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program, nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore, it's non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 rejected under 35 U.S.C. 102(b) as being anticipated by "Network Intrusion Detection: Evasion, Traffic Normalization, and End-to-End Protocol Semantics," by Mark Handley and Vern Paxson, hereafter referred to as Handley.

1. With regards to claims 1, 6, 11, 16, 21 and 26, Handley teaches a method of blocking attacks on a protected computer network, comprising: receiving a plurality of packets from a network, each said packet having a packet time to live (TTL) value and belonging to a corresponding packet flow (*equivalent to the normalizer receiving packets; see p. 6, right column, item 3, Handley*); storing the smallest packet TTL value received from each said corresponding packet flow; and prior to transmitting each said packet, setting said packet TTL value to said smallest packet TTL value received for said corresponding packet flow (*Handley discloses the decreasing the TTL as claimed; see p. 9, left column, TTL solution #3, Handley*).
2. With regards to claims 2, 7, 12, 17, 22 and 27 Handley teaches the method wherein said storing the smallest packet TTL value comprises: associating an epoch with said stored smallest packet TTL value; and if said epoch is greater than a predefined value, discarding said stored smallest packet TTL value (*equivalent to the restoring TTL disclosed by Handley; see p. 9, left column, "Effect on semantics," Handley*).

3. With regards to claims 3, 8, 13, 18, 23 and 29, Handley teaches the method further comprising periodically resetting said stored smallest packet TTL value to a maximum value *(such steps are performed by the normalizer in Handley's disclosure; see p. 16, right column, item 21, Handley)*.
4. With regards to claims 4, 9, 14, 19, 24 and 29, Handley teaches the method wherein said setting said packet TTL value comprises: determining if said corresponding packet flow is on an unrestricted list; and if said corresponding packet flow is on said unrestricted list, setting said packet TTL value to a maximum value *(Handley's design sets the TTL large to allow the packet to travel unrestricted by time; see p. 4, right column, 4th paragraph, Handley)*.
5. With regards to claims 5, 10, 15, 20, 25 and 30, Handley teaches the method wherein said setting said packet TTL value comprises: determining if said corresponding packet flow is on an unrestricted list; and if said corresponding packet flow is on said unrestricted list, leaving said packet TTL value unchanged *(see p. 15, left column, first paragraph, Handley)*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145